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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/948,328 10/10/97 SIMPSON

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EXAMINER

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HOSAIN, A
ART UNIT

PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/948,328

Applicant(s)
Simpson et al.

Examiner
Allan Hoosain

Group Art Unit
2645



☒ Responsive to communication(s) filed on Interview Summary, 9/27/00

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2748

DETAILED ACTION

1. A new first Office Action is given below. This is in response to Interview Summaries dated 4/22/00 and 9/27/00.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-3, 7-8, 10-14, 18-20, 22-23 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by **Tel** (US Patent 5,943,648).

As to Claims 1-3, 10, with respect to Figures 1-3, **Tel** teaches a computer system comprising:

a server, 102, coupled to the Internet (a data communication network), 124, said server being programmed to execute sequences of program instructions for:

(a) obtaining textual information for forming messages for a plurality of subscribers (Figure 1, labels 112, 126 and 104 and Col. 4, lines 5-6),

Art Unit: 2748

(b) performing a significant portion of a text to speech process, to convert the textual information of at least one of the messages to speech synthesizer instructions (Figure 1, label 130); and

(c) transmitting the speech synthesizer instructions over the data communication network (Figure 1, label 124); and

a subscriber terminal, 104, for receiving the speech synthesizer instructions via the data communication network (Figure 1, label 154),

said subscriber terminal comprising a speech synthesizer for synthesizing a speech waveform signal representing the at least one message from the speech synthesizer instructions (Figure 1, label 156).

As to Claim 7, in addition to the information above, **Tel** further teaches a computer system as in Claim 1, further comprising an e-mail system for receiving e-mail messages for subscribers and supplying the e-mail messages as the textual information to the server for conversion and transmission to the subscriber terminal (Col. 3, lines 60-64).

As to Claim 8, **Tel** teaches a computer system as in claim 7, further comprising transmitting subsystem (a news information server), said server being programmed to execute sequences of program instructions for:

Art Unit: 2748

storing profile information regarding events (news topics of interest) to individual subscribers (Col. 3, lines 60-65 and Col. 5, lines 44-51);

receiving and storing events (news items), from one or more sources (Col. 3, lines 60-67 and Col. 5, lines 52-65);

comparing the stored events (news items) to the stored profile information to identify voice profiles (news items) of interest to each individual subscriber (Col. 8, lines 44-51).

addressing messages (mail messages) containing text information representing the items of interest to subscribers tape recorder (mailboxes) in the electronic mail system (Col. 6, lines 54-64); and

transmitting the messages (mail messages) containing text information representing the voice profiles (items of interest) to the electronic (mail system) (Col. 6, lines 54-64).

As to Claim 11, **Tel** teaches a system as in claim 1, wherein the speech synthesizer comprises:

- a memory storing a plurality of fundamental sound samples, in digitized form (Figure 2, labels 112 and 128); and
- a concatenative speech synthesizer responsive to the instructions, for processing samples from the memory in an order specified by the instructions and to control parameters of each of the processed samples in a manner specified in the instructions, to thereby generate the speech waveform signal (Figure 1, labels 128 and 130).

Art Unit: 2748

As to Claim 12, with respect to Figures 1-3, **Tel** teaches a network server, 100, comprising:

a computer, 107A, coupled to a data communication network, 124, said computer being programmed to execute sequences of program instructions for:

(a) obtaining textual information for messages for a plurality of subscribers (Figure 1, labels 112 and 126);

(b) performing a significant portion of a text to speech process to convert the textual information of the messages to speech synthesizer instructions (Figure 1, label 130),

each speech synthesizer instruction identifying a fundamental sound and at least one control parameter for controlling generation of a waveform corresponding to the fundamental sound (Figure 2, label 128); and

(c) transmitting sequences of the speech synthesizer instructions, representing the messages, over the data communication network to subscriber terminals for wave form generation in response thereto (Figure 3, label 164 and Figure 1, labels 156, 158, 161).

As to Claim 13 **Tel** teaches a computer system as in claim 12, further comprising Usenet (a news information server), said server being programmed to execute sequences of program instructions for:

storing profile information regarding news topics of interest to individual subscribers (Col. 4, lines 47-51 and Col. 7, lines 13-25); and

receiving and storing news items, from one or more sources (Col. 7, lines 2-17);

Art Unit: 2748

comparing the stored news items to the stored profile information to identify news items of interest to each individual subscriber (Col. 7, lines 10- 13).

wherein said textual information of at least one of the messages comprises one of the identified news items.

As to Claim 14,18, with respect to Figures 1-3, **Tel** teaches a communication terminal device, 104, comprising:

- a data interface for receiving data from a communication network (Figure 3, label 124, 108B);

- a programmable central processing unit for processing the received data to capture speech synthesizer instructions contained in the received data (Figure 1, label 154 and Figure 3, label 154);

- a memory storing a plurality of fundamental sound samples, in digitized form (Figure 3, label 106B and 156);

- a concatenative speech synthesizer responsive to the instructions, for processing samples from the memory in an order specified by the instructions and to control parameters of a waveform signal synthesized from the processed samples in a manner specified by the instructions (Figure 3, labels 162 and 164).

As to Claims 19-20,22-23,25, with respect to Figures 1-3, **Tel** teaches a method of providing personalized information services, comprising:

Art Unit: 2748

storing subscriber profiles relating to topics of interest to a plurality of individual subscribers (Col. 5, lines 44-51);

receiving items of information from a plurality of sources (Col. 3, lines 60-67);

comparing the items of information to the subscriber profiles to identify items of interest to particular subscribers (Col. 3, lines 60-65 and Col. 5, lines 44-51);

converting textual information relating to at least some of the identified items of interest to sequences of speech synthesizer instructions (Col. 4, lines 16-68);

transmitting each of the sequences of instructions to one or more terminals, each terminal being utilized by a subscriber (Col. 3, lines 40-42);

storing received sequences of instructions in respective subscriber terminals (Col. 6, lines 54-64);

in response to one of the sequences of instructions, retrieving sound samples from memory in a subscriber terminal in an order specified by the one sequence of instructions and adjusting process parameters for the retrieved samples in a manner specified by the one sequence of instructions, to thereby generate a speech waveform signal representative of one of the identified items of interest (Col. 6, lines 15-64).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2748

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-6, 15-17, 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tel** in view of **Parzych** (US Patent 6,115,384).

As to Claim 4-6 and 15-17, **Tel** teaches a computer system as in claim 4, wherein the interface exchanges data over a computer network (Col. 3, lines 55-57).

The primary reference, **Tel**, does not teach a modem, wireless network data modem or CDPD modem. The secondary reference, **Parzych**, teaches a modem, wireless network data modem and CDPD modem (Col. 2, lines 1-5, 11-20 and Figure 2). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the

Art Unit: 2748

said **Tel**'s reference with wireless network capability for data communications with mobile users as taught by the said **Parzych**'s reference in order to deliver information to users anywhere and at anytime.

As to Claims 21,24, **Tel** teaches a method as in claim 19, wherein the step of transmitting comprises transmitting at least some of the sequences of instructions over a telecommunications network to a plurality of respective subscribers (Col. 4, lines 1-6).

The primary reference, **Tel**, does not teach a wireless data link nor wireless terminals for receiving sequences of instructions. The secondary reference, **Parzych**, teaches a wireless data link and wireless terminals for receiving information (Figure 2). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said **Tel**'s reference with wireless network capability for data communications with mobile users as taught by the said **Parzych**'s reference in order to deliver sequences of instructions to users anywhere and at anytime.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tel** in view of **Gordon** (US Patent 5,608,786).

As to Claim 9, **Tel** teaches a system as in claim 1, further comprising a transmitting subsystem for receiving electronic mail messages for subscribers in a text format, and supplying the text format

Art Unit: 2748

electronic mail messages to the transmitting subsystem (server) as the textual information for conversion and transmission to the subscriber terminal (Col. 4, lines 1-6).

The primary reference, **Tel**, does not teach the following limitations:

- (a) unified message management platform
- (b) plurality of different formats
- (c) converting electronic mail messages from the at least one other format to the text format

The secondary reference, **Gordon**, teaches limitations (a)-(c) (Col. 1, lines 5-13, 57-59 and Col. 4, lines 44-58). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said **Tel**'s reference with the capability for achieving limitations (a)-(c) for combining different message types as taught by the said **Gordon**'s reference in order to provide a convenient crossover in both the type of document that is transmitted or received.

7. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tel** in view of in view of **Boss et al.** (US Patent 5,915,237).

As to Claim 26, **Tel** teaches a communication terminal as recited in Claim 14, wherein said speech synthesizer instructions are output from a sound card (Col. 6, lines 30-35). The primary reference, **Tel**, does not teach MIDI commands. The second secondary reference, **Boss et al.**, teaches speech synthesizer instructions that are MIDI commands (Col. 3, lines 1-36). Having the

Art Unit: 2748

cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said **Tel**'s reference with MIDI commands for outputting speech as taught by the said **Boss**' reference in order to output speech from a sound card in a standard digital format.

As to Claim 27, with respect to Figures 1-3, **Tel** teaches a system comprising:

a server coupled to a data communication network (Figure 1, labels 100 and 124), said server being programmed to execute sequences of program instructions for:

(a) obtaining textual information for forming messages for a plurality of subscribers (Col. 3, lines 40-43 and Figure 1, labels 112 and 126);

(b) performing a significant portion of a text to speech process to convert the textual information of at least one of the messages to speech synthesizer instructions (Col. 4, lines 35-52); and

(c) transmitting the speech synthesizer instructions over the data communication network (Figure 1); and

a subscriber terminal, 104, for receiving the speech synthesizer instructions via the data communications network, said subscriber terminal comprising a speech synthesizer for synthesizing a speech waveform signal representing the at least one message from the speech synthesizer instructions (Col. 6, lines 1-64).

The primary reference, **Tel**, does not teach speech synthesizer instructions in the form of MIDI commands. The second secondary reference, **Boss et al.**, teaches a computer with MIDI

Art Unit: 2748

commands (Col. 3, lines 1-36). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to provide the said **Tel's** reference with MIDI commands for outputting speech as taught by the said **Boss'** reference in order to output speech from a sound card in a standard digital format.

Conclusion

8 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Spies (US Patent 6,035,273) teaches low data rate speech synthesizer communications.

Freishtat et al. (US Patent 5,945,989) teach modifying services on web sites.

Trower, II et al. (US Patent 5,983,190) teach speech synthesizer instructions for producing animation.

Gazis et al. (US Patent 5,610,821) teach route planning using cellular networks.

9. Any response to this action should be mailed to:

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Art Unit: 2748

(703) 308-6306, (for formal communications intended for entry)

Or:

(703) 308-6296 (for informal or draft communications, please label
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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner
should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner
can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,
Krista Zele, can be reached on (703) 305-4701.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-3900.


Allan Hoosain

Patent Examiner

November 22, 2000